

REMARKS

Claims 1-63 are pending. Claims 56-63 have been amended. No claims have been canceled.

Claims 1-55 have been allowed.

I. Assignee Consent:

The Examiner has objected to the Assignee's consent to reissue paper because the person who signed the submission failed to expressly state that he was authorized to sign on behalf on the assignee, Micron Technology, Inc. Applicant remedied this by previously submitting new versions of (1) a Rule 3.73(b) Statement, and (2) a "Reissue Application: Consent of Assignee" paper. These were submitted with the original version of this response, and are not included here again.

II. Drawings:

The Examiner objected to the drawings for not depicting all of the limitations of claims, and in particular was concerned that the "Schottky barrier" limitation was not illustrated in the Figures. However, in light of the amendments made to the claims, which include deletion of the "Schottky barrier" limitation, Applicant assumes the Examiner would agree that all claimed limitations are now depicted in (e.g.) Figure 7, and therefore that amendment to the Figures is unnecessary.

III. Written Description Rejection / Amendments to the Claims:

Claims 56-63 have been rejected under 35 U.S.C. § 112, ¶ 1 for lacking a written description of the invention as claimed. Specifically, the Examiner has suggested that particular limitations in each of the claims lack support in Applicant's specification.

In response, Applicant has amended claim 56, which was specifically cited by the Examiner as having an insufficient written description. (Claims 62 and 63, also cited by the Examiner, have now been amended to depend from claim 56).¹

So amended, claim 56 is now fully supported by the specification, as are all of the dependent claims. Indeed, most of the support can be found in Figure 7 and its supporting text (col. 3, l. 61 to col. 4, l. 53), which provides "a cross-sectional view of a cathodoluminescent

¹ Please note that claims 56-63 are not original claims in the issue patent. Instead, they were new claims added by preliminary amendment when the present reissue application was filed. Accordingly, MPEP § 1453(V)(D) is clear that the proper format for these claims is that they be completely underlined, even if they are subsequently amended: .

"An amendment of a 'new claim' (i.e., a claim not found in the patent, that was previously presented in the reissue application) must be done by presenting the amended 'new claim' containing the amendatory materials, and completely underlining the claim. The presentation cannot contain any bracketing or other indication of what was in the previous version of the claim. This is because all changes in the reissue are made vis-à-vis the original patent, and not in comparison to the prior amendment. Although the presentation of the amended claim does not contain any indication of what is changed from the previous version of the claim, applicant must point out what is changed in the 'Remarks' portion of the amendment. Also, per 37 CFR 1.173(c), each change made in the claim must be accompanied by an explanation of the support in the disclosure of the patent for the change."

The Examiner's e-mail (attached) indicates that brackets were the appropriate manner for formatting amendments to claims 56-63. However, in light of this clear recitation from the MPEP, Applicant disagrees with the Examiner, and submits that the proper formatting has been followed in this response.

element 10 in accordance with one embodiment of the invention.” Citation to original USP 6,366,266, col. 3, ll. 46-48. To prove support, citations to the specification (i.e., the ‘266 patent) are made for claims 56-63 as amended:

56. A field emission display device comprising:
a p-type substrate **[Fig. 7; element 12]** defining an upper surface;
a first n-type doped region **[Fig. 7; element 14]** formed in said p-type substrate at said upper surface of said p-type substrate;
a second n-type doped region **[Fig. 7; element 16]** spaced from said first n-type doped region and formed in said p-type substrate at said upper surface of said p-type substrate;
an electrically conductive metallic film **[Figs. 5 and 7; element 22]** formed over said upper surface of said p-type substrate and in contact with the first and second n-type doped regions;
an electrically conductive grid **[Fig. 7; element 24]**;
an electrically conductive anode structure **[Fig. 7; element 30/32]**; and
an electron emitter **[Fig. 7; element 18]** conductively coupled to said first n-type doped region **[Fig. 7; element 14]**, wherein said at least one electron emitter **[Fig. 7; element 18]** and said grid **[Fig. 7; element 24]** are displaced from said anode structure **[Fig. 7; element 30/32]** across a field emission region.
57. A field emission display device as claimed in claim 56 wherein said electron emitter **[Fig. 7; element 18]** is formed over said first n-type doped region **[Fig. 7; element 14]**.
58. A field emission display device as claimed in claim 57 wherein said electron emitter **[Fig. 7; element 18]** is formed integrally with said first n-type doped region **[Fig. 7; element 14]**.
59. A field emission display device as claimed in claim 56 wherein said electron emitter **[Fig. 7; element 14]** comprises a tip **[col. 3, l. 64]**.
60. A field emission display device as claimed in claim 56 wherein said anode structure comprises a phosphor coated screen **[col. 4, ll. 26-30]**.
61. A field emission display device as claimed in claim 56 wherein said metallic film is platinum silicide **[col. 4, ll. 4-6]**.
62. A field emission display device as claimed in claimed 56 wherein said metallic film and said p-type substrate comprise an infra-red-sensitive junction **[col. 4, ll. 6-8]**.
63. A field emission display device as claimed in claimed 56 further comprising a dielectric layer **[Fig. 7; element 26]** between the grid **[Fig. 7; element 24]** and the metallic film **[Fig. 7; element 22]**.

In short, claims 56-63 as amended are fully supported by the specification, and fully compliant with the written description requirement of 35 U.S.C. § 112, ¶ 1.

IV. Supplemental Declaration:

A supplemental declaration is attached herewith as required by MPEP § 1414.01

* * * * *

Based on the above remarks, Applicant respectfully submits that pending claims 1-63 are allowable, and requests that a Notice of Allowance issue for these claims.

Respectfully submitted,

/TGL/
Terril Lewis, Reg. No. 46,065

Date: November 8, 2007

CUSTOMER NO. 29855
Wong, Cabello, Lutsch,
Rutherford & Brucculeri, L.L.P..
20333 SH 249. Suite 600
Houston, TX 77070
832/446-2405
Fax 832/446-2424

Terril Lewis

From: Terril Lewis
Sent: Monday, October 29, 2007 1:53 PM
To: 'Duc.Dinh@USPTO.GOV'
Subject: FW: Reissue Review for 10/706,486
Attachments: Resp OA 060506 v3.doc

(our reference 872-0155US1)

Examiner Dinh:

Attached is a new response that I am planning to file in this case. In accordance with your instruction, I am sending it to you informally first so that you can review that the amendments have been properly made in accordance with MPEP 1453 and 37 CFR 1.173. Please note that the claims in question (claims 56-63) were new claims not in the original patent. They were added by preliminary amendment when the reissue application was filed. Accordingly, it appears that the entirety of these new claims must always be underlined, even if they are subsequently amended. MPEP 1453(V)(D) makes this point clear. Thus, it would appear that the attached is the proper manner for effecting the amendment to the claims. Please let me know if you agree, and I will officially resubmit this response (electronically) along with a supplemental declaration (once I receive it from the inventors).

Thanks, and best regards,

Terril Lewis

Partner
Wong Cabello, LLP
20333 S.H. 249, Ste. 600
Houston TX, 77070
phone: 832-446-2422
fax: 832-446-2424
cell: 832-428-6939

From: Dinh, Duc Q [mailto:Duc.Dinh@USPTO.GOV]
Sent: Monday, October 29, 2007 10:04 AM
To: Trademark
Subject: Reissue Review for 10/706,486

Dear TerryL,

The following corrections must be addressed prior to allowance for the Final Reissue Review 10/706,486:

1. Several amendments of record are not in compliance with 37 CFR 1.173 (amdt practice for reissue). Specifically, the amdt filed 11/12/03 is non-compliant and the amdt filed 8/28/06 is non-compliant because deletions are improperly shown with strike-through (rather than bracketing). See MPEP

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1453 for details. Please contact the attorney for a complete claim listing of all claims with proper claim identifiers and in compliance with 37 CFR 1.173.

2. Applicant should also have been notified that amdt's filed after the filing of the original declaration require a supplemental declaration prior to allowance (per MPEP 1414.01). Therefore, the application is missing a supplemental declaration to cover further changes to the claims made after the filing of the original declaration. The atty must submit a supplemental declaration per MPEP 1414.01.

Thank you

Duc Dinh

P.S. Please reply to confirm upon receiving this Email

GROUP DIVISION 2629
PHONE (571) 272-7686
email: duc.dinh@uspto.gov

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